



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

land is interfered with in his right to the reasonable user of subsurface water upon his land, or if his wells, springs, or streams are thereby materially diminished in flow, or his land is rendered so arid as to be less valuable for agriculture, pasturage, or other legitimate uses. This in accord with *Miller v. Black Rock Springs*, 99 Va. 924.

Prohibiting Automobiles on Particular Thoroughfares.—The right of an automobile owner to use all highways free from restraints not imposed on the use of other vehicles is claimed by defendant in *State v. Mayo*, 75 Atlantic Reporter, 295. In 1903 the Legislature of Maine passed an act authorizing the town of Eden to close certain streets and drives against automobiles, and an ordinance to that effect was subsequently enacted. Its validity was attacked on numerous constitutional grounds, but the Supreme Court of Maine, following a decision of the Supreme Court of Massachusetts in *Commonwealth v. Kingsbury*, 199 Mass. 542, 85 N. E. 848, 127 Am. St. Rep. 513, held it a valid regulation.

Use of the Mails Cannot Be Prohibited by States.—The Georgia statute provides that no person shall sell or solicit, personally or by agent, the sale of intoxicating liquors. Defendant, a nonresident company doing business in Tennessee, mailed a circular letter from that state to a resident of Georgia, advertising liquors for sale. A criminal accusation was filed against defendant, but the Supreme Court of Georgia in the case of *R. M. Rose Co. v. State*, 65 Southeastern Reporter, 770, holds that a state has no power to prohibit or render penal the use of the mails between the states to effectuate the importation of liquor, since importation from one state to another cannot be prohibited by the latter, and it has not been prohibited by the federal government. The sending of the letter was not a step in consummating a crime, but merely a means of carrying on a business lawful in the state where located. A state can exercise its police power to the limits of its domain, but it cannot go beyond, and police citizens of other states.

Power of Probate Courts to Grant Probate of Original Foreign Wills.—Two wills were executed by testator, a resident of England. One, known as the "English will," related solely to property in England; the other, known as the "American will," related solely to property situated in Kansas. The question in *Thompson v. Parnell*, 105 Pacific Reporter, 502, was whether the probate court of Kansas had jurisdiction to admit to probate the original "American will." Defendants contended that the Kansas statutes providing only for the allowance and admission to record of an authenticated copy of a will duly probated in any state or county other than the United States was a limitation on the jurisdiction of the probate court, preventing it from granting original probate to a foreign will. The Supreme Court

of Kansas, in upholding the jurisdiction of the probate court, held that such a contention would require it to assume that the Legislature attached more importance to an authenticated copy of a will than to the original instrument itself; that the real purpose of the Legislature in passing the statute was to enlarge, not to restrain, the jurisdiction of the probate court; and that it was only the difficulty which was often met with of procuring the original will after it was probated in the courts of the domicile of the testator that led the Legislature to pass statutes authorizing copies of wills and their probate in foreign countries or states to be recorded and to have the same effect as the original. See note to *Bryan v. Nash*, 15 Va. Law Reg. 928.

Waiver of Right to Damages by Joining Railroad Relief Department.

—It was held by the United States Circuit Court of Appeals for the Fourth Circuit in *Day v. Atlantic Coast Line R. Co.* (decided April 16, 1910), that an employee by becoming a member of the relief department of a railroad company does not in any manner waive the right of action secured to him by § 162 of the Virginia Constitution abolishing the fellow servant rule. The court said, after review of the cases, that "the basis upon which all of the decisions rest is, that, by becoming a member of the relief department the employee does not waive, or contract against liability for damages for an injury sustained by the negligence of the employee. That, after sustaining the injury, he is free to maintain an action for damages without regard to his being a member of the department. That he is entitled to the benefits secured by membership without regard to negligence or legal liability of the employer. That when he elects to take such benefits he releases, and not until then, the employer from other or further liability."

Finality of Order Sustaining a Demurrer.—It was decided by the United States Circuit Court of Appeals for the Fourth Circuit in *Dickinson v. Sunday Creek Company* (April 14, 1910), that an order sustaining a demurrer to a declaration but with leave to amend, was not a final, appealable judgment although the plaintiff does not avail himself of the privilege extended to him by the court of filing an amended declaration within the time limited, but the case remained on the docket for further proceedings, and it is within the power of the court even after the time for amendment expired, exercising its discretion for sufficient cause, to further extend the time for an amended declaration to be filed. And although the plaintiff failed or refused to file his amended pleading after the entry of the order in question within the time prescribed, yet the order is not self executing and final, but an order dismissing the case is necessary to finally dispose of it.